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OCT 07 2011

S/023/0108
cc: Wayne
Task: 4270



DIV. OF OIL, GAS & MINING
United States Department of the Interior
BUREAU OF LAND MANAGEMENT
FILLMORE FIELD OFFICE
35 East 500 North
Fillmore, Utah 84631



In Reply Refer to:
3809 (UTW02000)
UTU-87623

October 5, 2011

CERTIFIED MAIL #7010 1670 0000 7621 7568
RETURN RECEIPT REQUESTED

DECISION

Kenneth Lowder
Metamining of Utah LLC
459 South 300 East
Springville UT 84663

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43 CFR 3809 - Surface Management
Plan of Operation

Partial Release of Required Financial Guarantee

Your Plan of Operation (Plan) assigned Bureau of Land Management (BLM) case file number UTU 87623 was inspected on August 4, 2011. The purpose of the site visit was to inspect the reclamation that was reported complete with a request for release of financial guarantee in a letter received July 19, 2011.

The Plan was for the removal of stockpiles of manganese ore. The inspection found that the stockpiles had been removed, that the stockpile sites had been contoured to blend with the surrounding topography and the site appeared to be seeded. Though the site appeared to have been seeded the vegetation was not found to be well established. In order to insure that the vegetation at the site will be well established only a portion of the financial guarantee will be released.

Amount of Financial Guarantee – This office has determined with consultation with the Utah Division of Oil, Gas, and Mining (UDOGM) that the required financial guarantee that should remain in place is \$3,000.00. Therefore, \$5,400 of the \$8,400 financial guarantee currently being held by UDOGM for their small mine permit S/023/108 may be released. The \$3,000.00 financial guarantee that will remain in place is sufficient to meet all anticipated reclamation requirements should the site need to be re-seeded. The amount of the reclamation cost estimate was based on the operator complying with all applicable operating and reclamation requirements.

Appeal of the Decision Determining the Required Financial Guarantee Amount - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision concerning your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the

Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below). If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Fillmore Field Office at, 95 East 500 North, Fillmore, Utah 84631 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

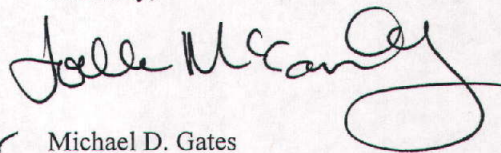
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If you have any questions, please contact Jerry Mansfield, FFO Geologist, at (435) 743-3125.

Sincerely,




Michael D. Gates
Field Manager

Enclosure: Form 1842-1

cc:

Paul Baker

UDOGM

1594 W North Temple Ste 1210

Salt Lake City, UT 84114

Opie Abeyta (UT-923)

Utah State Office/ BLM

PO Box 45155

Salt Lake City, UT 84145-0155